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13 United States of America

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 MARCHELLO DSAUN MCCAIN,

20 Defendant.

21 Case No. 15CR0174-W

22 DATE: January 12, 2018
TIME: 10:00 a.m.

23 **UNITED STATES' MOTION**
FOR ORDER TO FILE
RESPONSE IN OPPOSITION TO
DEFENDANTS' OBJECTIONS
TO PSR IN EXCESS OF 25
PAGES

24 COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its
counsel, Adam Braverman, United States Attorney, and Shane P. Harrigan and Caroline P.
Han, Assistant U.S. Attorneys, who hereby move this Court for an order allowing the
Government to file the United States' Response in Opposition to Defendants' Objections
to the Presentence Report, which exceeds 25 pages.

25 This motion is made for the following reasons:

26 The issues raised by Defendant's Objections are both factually and legally intensive.
27 Defendant made over 20 factual objections to the Presentence report, which cover
28 approximately 40 paragraphs of facts. At the same time, Defendant also raised numerous

1 legal objections to the Probation Department's application of the terrorism enhancement
2 under USSG § 3A1.4. The United States does not intend to inconvenience the Court or
3 defense counsel by filing a Response and Opposition that exceeds the normal page limits.
4 However, the United States submits that its Response and Opposition, which exceeds the
5 25 pages, is necessary to fully and thoroughly address these numerous factual and legal
6 objections raised by the Defendant.

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8 Dated: January 2, 2018

Respectfully submitted,

9 ADAM BRAVERMAN
10 United States Attorney

11 */s/ Shane P. Harrigan*
12 SHANE P. HARRIGAN
CAROLINE P. HAN
Assistant U.S. Attorneys

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

MARCHELLO DSAUN MCCAIN,

Defendant.

Case No.: 15CR0174-W

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, SHANE P. HARRIGAN, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **UNITED STATES' MOTION FOR ORDER TO FILE RESPONSE IN OPPOSITION TO DEFENDANTS' OBJECTIONS TO PSR IN EXCESS OF 25 PAGES** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

**David Zugman, Esq.
Attorney for Defendant**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 2, 2018.

s/ Shane P. Harrigan
SHANE P. HARRIGAN